

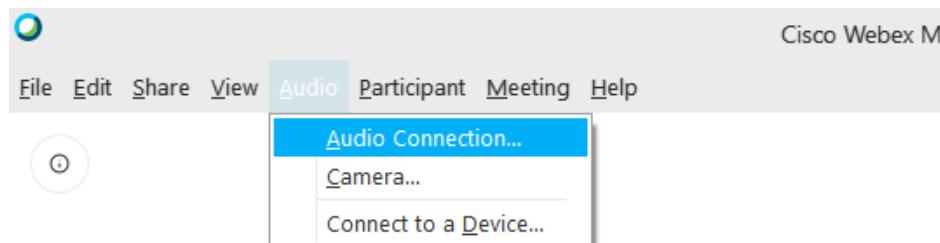
COUNTY COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, CO 80401	
THE PEOPLE OF THE STATE OF COLORADO  vs.  Defendant:	<b>▲ COURT USE ONLY ▲</b>  Case No.: Div.:
<b>CASE MANAGEMENT ORDER RE: AUDIOVISUAL WEBEX PRETRIAL EVIDENTIARY HEARINGS IN CRIMINAL MATTERS</b>	

Pursuant to the Chief Justice's Order Regarding COVID-19 and Operation of Colorado State Court and Chief Judge Order 2020-12 Regarding Slow and Incremental Expansion of Court Operations Beginning May 18, 2020, wherever reasonably feasible, judicial proceedings should be conducted remotely. As such, preliminary hearings and motions hearings shall be conducted via WebEx audiovisual conferences unless otherwise ordered by the court. For these reasons, your case has been scheduled for a WebEx proceeding.

1. **Setting.** Your case has been set for a WebEx [REDACTED] hearing on [REDACTED] at [REDACTED] m. in Division [REDACTED].
2. **Party and Witness WebEx Participation.** Unless in-person appearances are otherwise authorized, parties and counsel shall appear via WebEx Meetings audiovisual conference at the designated time as directed below. If a Defendant is unable or unwilling to participate in the hearing via WebEx, defense counsel may appear in the courtroom with their client. Witnesses may testify remotely via WebEx audiovisual conference. Audio-only testimony will only be allowed with the agreement of the parties and prior court approval. Absent agreement to audio-only witness testimony, parties must show good cause for audio-only witness testimony, such as when a witness does not have a compatible device or enough internet bandwidth. Otherwise, witnesses will be expected to testify via audiovisual conference. Counsel are responsible for providing their clients and witnesses all necessary WebEx access information.
3. **Public Access.** Unless otherwise ordered by the court, the WebEx proceeding will be broadcast in open court via the courtroom monitor and accessible by the public via the below WebEx proceeding weblink and dial-in connection. The Court will post the WebEx web address and dial-in information on the court website.
4. **Independent Recording Prohibited.** WebEx hearings are court proceedings and will be recorded by the Division FTR recorder or a court reporter. Recording of any portion of a WebEx proceeding by any other means is strictly prohibited. Violation of this prohibition may result in sanctions including contempt of court.

## Connecting to the WebEx Proceeding

5. **Equipment and Bandwidth.** To participate in the WebEx proceeding, parties and counsel must have WebEx-compatible audiovisual devices, such as a computer, tablet, or smartphone equipped with a camera and microphone and sufficient internet bandwidth to stream the proceeding. While you may participate via smartphone, the court encourages parties to use a stationary tablet or computer with a large screen. If participating via a mobile device, you will have to install the free Cisco WebEx Meetings application to participate in the audiovisual conference. For general information on how to connect to WebEx Meetings, please refer to [linked WebEx Meetings General Info for Participants document].
6. **Connect to WebEx Hearing.** All participants may Access Division \_\_\_\_\_ WebEx proceeding via the following link: [WebEx Personal Room]. Once connected, enter your full name and email address prior to joining the meeting so you can be easily identified during the proceeding. Your name will appear below your video feed, but your email address will remain private. You will join the audiovisual conference once the court initiates the proceeding. Once you join the proceedings, mute your audio connection until your case is called. Parties shall also instruct witnesses to mute upon joining. If any participant is disruptive or not muting, they may be placed in the “lobby” until their case is called. If sequestered, witnesses will be placed in the “lobby” until they are called to testify.
7. **Establish Audio Connection.** Once connected, you will have to select your preferred audio connection. If on a PC, select your preferred audio connection by selecting the option from the Audio Connection drop-down menu accessible via the Audio menu at the top of the screen.



You have three options:

- a. Use computer for audio, which uses your default computer audio settings (usually computer speakers and microphone);
- b. “Call me at” option, which will initiate a call to your number to establish the audio connection to the conference; or
- c. “Call in” which will provide you with the WebEx call-in number, meeting access code, and your attendee ID to enter when prompted.

*If you use anything other than the factory-equipped speakers and microphone on your personal device, the court recommends you use the “call me at” or “call in” options discussed above and use your speakerphone to establish the audio connection to avoid feedback that may result from auxiliary speakers and microphones.*

8. **WebEx Dial-In Option.** To participate in the WebEx proceeding via telephone only, dial **720-650-7664** and enter access code **\_\_\_\_\_** at the prompt. You are not required to enter an attendee ID for audio-only participation, so dial # at the prompt. [The dial-in number will be the same for everyone, but each judicial officer has a unique access code for their meetings. Edit accordingly. I would not use your Conference Now number here, since that bridge is limited to 15 people as opposed to 1,000 that can join a WebEx conference via a dial-in connection. And the Conference Now number can be reserved for interpretation services as discussed below].
9. **Mute Audio.** You may mute your video and audio feeds by selecting the corresponding icon at the bottom of your screen. The video or audio connection will be muted if the corresponding icon button is red as shown below.



**Your audio feed should be muted on entering the conference. If not, please mute the audio connection until it is your turn to speak.** This will assure a clean record without interruption due to background noise.

### **Decorum**

10. WebEx hearings are court proceedings and all participants shall follow ordinary standards of decorum. Participants should ensure they are appropriately dressed, that their surroundings are quiet and well lit, that their electronic devices are functioning correctly, that they have an adequate internet connection, and that any distractions are minimized.
11. Parties should state their names for the record and other participants before beginning their presentations or examinations.
12. Parties entering the WebEx audiovisual conference will not interrupt any ongoing proceedings and will wait to be acknowledged by the court or court staff.
13. All participants must assure their audio connection is muted until it is their turn to speak as directed by the court.
14. While speaking, background noise, including side conversations and paper shuffling, must be kept to a minimum to assure a clear record.
15. Use of the WebEx chat function is prohibited. Counsel shall have a separate and confidential means of communication with the defendant during the hearing. However, there shall be no off-record communication of any kind with any witnesses while they are testifying.
16. Parties should allow additional time for WebEx hearings and should anticipate the need to take more frequent breaks.

17. Failure to abide the court's decorum order or instructions during the proceeding may result in a participant being expelled from the WebEx proceeding.

### **Exhibits**

18. All properly-disclosed exhibits must be labeled prior to filing. The People will use numbers and Defendant will use letters. Exhibits with multiple pages must include page designations so that the specific pages can be referenced during the proceeding to easily direct the witness and the court. For example, if one exhibit is 3 pages long, each page should be labeled accordingly. For the People, P-1-1, P-1-2, P-1-3, or for a defendant, D-A1, D-A2, D-A3. It is important that each page of each exhibit has a label so that during the hearing a party may refer to a specific page of any document.
19. Any properly-disclosed exhibits a party intends to offer into evidence during the hearing must be filed with the court and served on the opposing party electronically via the Colorado Court E-Filing system at least 24 hours prior to the hearing. Identify the filing by the exhibit label and a description of the exhibit for quick reference in the electronic record.
20. This order **does not** extend or otherwise modify any witness or exhibit disclosure deadlines established by the applicable Rules of Criminal Procedure or prior court orders. Substituted or amended exhibits will not be permitted.
21. Parties must provide the court and opposing party any audio or video recording that may be offered into evidence in advance of the hearing in a format that can be played without proprietary software.
22. If parties wish to provide the court a paper copy of documentary exhibits, exhibit binders must be delivered to the court and the opposing party in advance of the hearing.
23. Parties are expected to know how to utilize the WebEx "share" function if they wish to publish exhibits for all WebEx participants during the proceeding.
24. Parties are encouraged to reach stipulations concerning exhibits and other evidentiary issues before the hearing to avoid the need to prepare, deliver, or upload voluminous documents.
25. The court may exclude exhibits that were not disclosed as required by this order.

### **Witnesses**

26. All properly-disclosed witnesses may be compelled to testify via subpoena as with in-person proceedings. As set out above, witnesses are expected to testify via audiovisual conference unless otherwise ordered. Parties shall include this order with any witness subpoenas.

27. Parties shall confer regarding witness order and direct witnesses to be available to testify according to their agreed schedule. If sequestered, witnesses shall not join the proceedings until notified to join by the party calling the witness via a separate communication.
28. For witnesses testifying, all chat capabilities should be turned off. Independent communication with a witness in any way during the witness's testimony is prohibited and may result in sanctions, including contempt of court.
29. If the court enters a sequestration order at the beginning of the proceeding, all potential witnesses on the WebEx conference at the time will be placed into the virtual WebEx "lobby" until they are called to testify. The court will enable entry and exit alert tones for when participants enter or exit the WebEx conference. If witnesses are sequestered, the court may interrupt the proceeding to determine if the participant who joined the conference may be a potential witness. If so, they will be placed in the WebEx lobby until they are called to testify.
30. Parties must provide potential witnesses electronic or paper copies of any labeled exhibits and any audio or video recordings the party intends to use with them at least 24 hours before the hearing.

### **Interpreting**

31. Parties requiring interpreting services for parties or witnesses shall coordinate interpreting for the hearing via email to [01Interpreter@judicial.state.co.us](mailto:01Interpreter@judicial.state.co.us) at least 7 days prior to the hearing. Please provide the case number, hearing date, division number, and the participants' preferred language in your email.
32. For consecutive interpreting, the interpretation will be heard in the WebEx proceeding. Please allow enough time for questions and answers to be interpreted prior to responding or proceeding to the next question.

Please refer to WebEx Tip [link WebEx Tips document] for tips on using WebEx.

The above procedures are evolving and may be modified or updated periodically. You may schedule a pre-hearing conference to address any procedural and technology issues by contacting the Division Clerk at 720-772-\_\_\_\_\_.

The Court recognizes and appreciates this order will require additional preparation and planning on the part of all counsel, parties, and participants, and sincerely appreciates everyone's cooperation.

Please call the Division Clerk at 720-772-\_\_\_\_\_ with any questions.

Date:

BY THE COURT